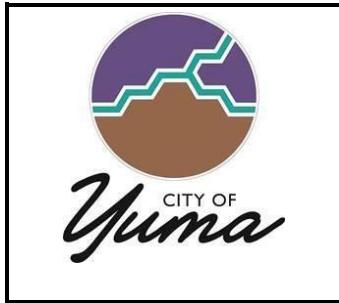


Notice of Public Hearing of the Planning & Zoning Commission of the City of Yuma

Pursuant to A.R.S. § 38-431.02, notice is hereby given to the members of the Planning & Zoning Commission of the City of Yuma and to the general public that the Planning & Zoning Commission will hold a hearing open to the public on Monday, May 8, 2023, at 4:30 p.m. at the City Hall Council Chambers, One City Plaza, Yuma, AZ.



Agenda

**Planning and Zoning Commission Meeting
City Hall Council Chambers
One City Plaza Yuma, AZ
Monday, May 8, 2023, 4:30 p.m.**

A. CALL TO ORDER

- B. CONSENT CALENDAR** – All items listed under the consent calendar will be approved by one motion. There will be no separate discussion of these items unless the Commission or a member of the audience wishes to speak about an item.

B.1 APPROVAL OF MINUTES –

February 27, 2023

April 24, 2023

B.2 WITHDRAWALS BY APPLICANT – NONE

B.3 TIME EXTENSIONS – NONE

B.4 CONTINUANCES – NONE

B.5 APPROVALS – NONE

C. ACTION ITEMS –

C.1 CUP-41136-2023: *This is a request by Leonard Sanchez, on behalf of Leonard Sanchez and Glenda Curtis Living Trust, for a Conditional Use Permit to allow a real estate office and nursery in the Heavy Industrial/Airport Overlay (H-I/AD) District. The property is located at 2730 E. 24th Street, Yuma, Arizona.*

C.2 CUP-41169-2023: *This is a request by Dahl, Robins & Associates Inc. on behalf of Troy and Claire Eckard, for a Conditional Use Permit to allow a drive-through Starbucks, in the General Commercial (B-2) District. This proposal includes an exception request to reduce the 32nd Street setback from 15' to 0' for the entire project frontage. The property is located near the northwest corner of Avenue 8E and 32nd Street, Yuma, Arizona.*

D. PUBLIC HEARINGS – NONE

E. EXECUTIVE SESSION – NONE

F. INFORMATION ITEMS

F.1 STAFF

F.2 COMMISSION

F.3 PUBLIC – Members of the public may address the Planning and Zoning Commission on matters that are not listed on the Commission agenda. The Planning & Zoning Commission cannot discuss or take legal action on any matter raised unless it is properly noticed for discussion and legal action. At the conclusion of the call to the public, individual members of the Commission may respond to criticism made by those who have addressed the Commission, may ask staff to review a matter or may ask that a matter be placed on a future agenda. All Planning & Zoning Commission meetings are recorded.

ADJOURN

In accordance with the Americans with Disabilities Act (ADA) and Section 504 of the Rehabilitation Act of 1973, the City of Yuma does not discriminate on the basis of disability in the admission of or access to, or treatment or employment in, its programs, activities, or services. For information regarding rights and provisions of the ADA or Section 504, or to request reasonable accommodations for participation in City programs, activities, or services contact: ADA/Section 504 Coordinator, City of Yuma Human Resources Division, One City Plaza, Yuma, AZ 85364; (928) 373-5125 or TTY (928) 373-5149.

Notice is hereby given, pursuant to the Yuma City Code, Title 15, Chapter 154, Section 02.01, that one or more members of the Planning and Zoning Commission may participate in person or by telephonic, video or internet conferencing. Voting procedures will remain as required by the Yuma City Charter and other applicable laws.

The Commission may vote to hold an executive session for the purpose of obtaining legal advice from the Commission's attorney on any matter listed on the agenda pursuant to A.R.S. § 38-431.03(A)(3).

**Planning and Zoning Commission Meeting Minutes
February 27, 2023**

A regular meeting of the City of Yuma Planning and Zoning Commission was held on Monday, February 27, 2023 at the City of Yuma Council Chambers, One City Plaza, Yuma, Arizona.

PLANNING AND ZONING COMMISSION MEMBERS present were Chairman Chris Hamel, Vice-Chairman Lorraine Arney and Commissioners Joshua Scott, Ashlie Pendleton and Edgar Olvera. Commissioners John Mahon and Branden Freeman were absent.

STAFF MEMBERS present included Alyssa Linville, Director of Planning and Neighborhood Services; Rodney Short, Deputy City Attorney; David Wostenberg, Director of Engineering; Andrew McGarvie, Engineering Manager; Robert Blevins, Principal Planner; Zenia Fiveash, Assistant Planner and Alejandro Marquez, Administrative Specialist.

Chairman Chris Hamel called the meeting to order at 4:30 p.m., and noted there was a quorum present.

CONSENT CALENDAR

MINUTES – February 13, 2023

WITHDRAWALS BY APPLICANT – None

CONTINUANCES – None

APPROVALS – None

Motion by Arney, second by Scott to APPROVE the Consent Calendar as presented. Motion carried unanimously, (5-0) with two absent.

Action Items–

SUBD-40583-2022: *This is a request by Core Engineering Group, PLLC, on behalf of Butler Estates, LLC, for approval of the preliminary plat for the Butler Estates Subdivision. This subdivision contains approximately 12.59 acres and is proposed to be divided into 52 residential lots, ranging in size from approximately 5,326 sq. ft. to 10,952 sq. ft., for the property located at the northwest corner of E. 37th Street and S. Avenue 10E, Yuma, AZ.*

Robert Blevins, Principal Planner, summarized the staff report and recommended **APPROVAL**, with the modified conditions identified in the provided yellow sheet.

APPLICANT/APPLICANT'S REPRESENTATIVE

Jonathan Klein, Core Engineering Group, 200 E. 16th Street, Yuma, AZ, thanked staff for working on the conditions with the applicant. **Klein** mentioned that they were still not in agreement with condition number 6 because of the cost. **Hamel** asked **Klein** if it was correct that the applicant was in agreement with the conditions with the exception of condition 6. **Klein** confirmed and provided language to modify condition 6.

Commissioner Joshua Scott asked why condition 6 currently required a full width road. **David Wotsenberg, Director of Engineering** said that a full width roadway would allow for bike lanes and a two way road in the future. **Scott** asked if it was normal to require the construction of a full width roadway. **Wostenberg** replied that typically a half width roadway is required.

QUESTIONS FOR STAFF

Chairman Hamel asked for a brief explanation of the proposed changes being requested by the applicant. **Wostenberg** stated that proposed modification to condition 6 would change the roadway requirement from a full width roadway to a half width roadway along Butler Avenue.

PUBLIC COMMENT

None

Motion by Scott, second by Arney to APPROVE SUBD-40583-2022 as presented, including the agreed upon condition modifications in the yellow sheet, and the modified condition 6 as presented by the applicant during the hearing. Motion carried unanimously, (5-0) with two absent.

SUBD-40846-2022: *This is a request by Colvin Engineering, Inc., on behalf of Hardknocks LLLP, for approval of the preliminary plat for the Desert Ridge Townhomes Subdivision. This subdivision will contain approximately 6 acres, and is proposed to be divided into 42 residential lots, ranging in size from 2,900 square feet to 4,400 square feet. The property is located at the southeast corner of Avenue 7½E and 24th Street, Yuma, AZ.*

Alyssa Linville, Director of Planning and Neighborhood Services, summarized the staff report and recommended APPROVAL.

APPLICANT/APPLICANT'S REPRESENTATIVE

None

QUESTIONS FOR STAFF

None

PUBLIC COMMENT

None

Motion by Scott, second by Pendleton to APPROVE SUBD-40846-2022 as presented. Motion carried unanimously, (5-0) with two absent.

Public Hearings –

ZONE-40939-2022: *This is a request by Dahl, Robins & Associates, Inc., on behalf of Yumas Desert Oasis Development, LLC, to rezone approximately 3 acres from the Agriculture (AG) District to the High Density Residential (R-3) District, for the property located at the northwest corner of 36th Street and Avenue 7½E, Yuma, AZ.*

Alyssa Linville, Director of Planning and Neighborhood Services, summarized the staff report and recommended APPROVAL.

APPLICANT/APPLICANT'S REPRESENTATIVE

None

QUESTIONS FOR STAFF

Andrew McGarvie, Engineering Manager informed the commission that condition #6 would be eliminated from the conditions of approval and condition #7 would be modified to remove reference to the Western Area Power Administration (WAPA) easement.

PUBLIC COMMENT

None

Motion by Arney, second by Olvera to APPROVE ZONE-40939-2022 with the removal of condition 6 and modified condition 7. Motion carried unanimously, (5-0) with two absent.

INFORMATION ITEMS

Staff

None

Commission

None

Public

None

ADJOURNMENT

Hamel adjourned the meeting at 5:09 p.m.

Minutes approved this _____ day of _____, 2023

Chairman

Planning and Zoning Commission Meeting Minutes
April 24, 2023

A regular meeting of the City of Yuma Planning and Zoning Commission was held on Monday, April 24, 2023 at the City of Yuma Council Chambers, One City Plaza, Yuma, Arizona.

PLANNING AND ZONING COMMISSION MEMBERS present were Chairman Chris Hamel, Vice Chairman Loraine Arney and Commissioners Branden Freeman, Joshua Scott, Edgar Olvera, and John Mahon. Commissioner Ashlie Pendleton was absent.

STAFF MEMBERS present included; Emily Hart, Assistant City Attorney; Alyssa Linville, Director of Planning; Jennifer Albers, Assistant Director of Planning; Erika Peterson, Associate Planner; Zenia Fiveash, Assistant Planner; Guillermo Moreno-nunez, Assistant Planner and Lizbeth Sanchez, Administrative Specialist.

Chairman Chris Hamel called the meeting to order at 4:30 p.m., and noted there was a quorum present.

CONSENT CALENDAR

MINUTES – March 13, 2023

WITHDRAWALS BY APPLICANT – None

CONTINUANCES – None

APPROVALS – None

Motion by Lorraine Arney, second by Branden Freeman to APPROVE the Consent Calendar as presented. Motion carried unanimously, (6-0) with one absent.

Action Items–

CUP-41135-2023: *This is a request by Dahl, Robins & Associates, Inc., on behalf of Panera Bread, for a Conditional Use Permit to allow the use of a drive-through restaurant with an exception request to reduce the 4th Avenue setback from 10 feet to 6 feet for the drive-through lane, in the General Commercial/Infill Overlay (B-2/IO) District. The property is located on the southeast corner of 15th Street and 4th Avenue, Yuma, Arizona.*

Erika Peterson, Associate Planner summarized the staff report and recommended **APPROVAL**.

QUESTIONS FOR STAFF

Chairman Chris Hamel asked if the original site plan was option A. **Peterson** replied no, and clarified that the difference between the site plans was the access to the drive-through lanes, and that amended option A & option B eliminated three parking spaces.

APPLICANT/APPLICANT'S REPRESENTATIVE

Christopher Robins, Dahl Robins & Associates, 1560 S. 5th Ave, Yuma, AZ, was available for questions. **Robins** mentioned that the revised site plans were to improve traffic circulation in the area, and to adjust for power line locations, and it was a response to comments from neighbors.

Hamel asked about the relocated trash enclosure Robins stated that it would make it easier for trash pickup.

Commissioner John Mahon asked if there was a preference between amended site plan A & B. **Peterson** stated that both site plans were acceptable, subject to the conditions of approval.

PUBLIC COMMENT

Tom Pancrazi, Pancrazi Real Estate, 350 W. 16th Street, Suite B2, Yuma, AZ, works in the building adjacent to the proposed project and stated that he preferred amended proposed site plan A because it allows for more parking and landscape screening.

Motion by Branden Freeman, second by Joshua Scott to APPROVE CUP-41135-2023 including the amended proposed site plans. Motion carried unanimously, (6-0) with one absent.

INFORMATION ITEMS

Staff

None

Commission

None

Public

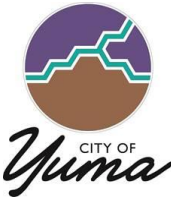
None

Chairman Hamel called the commission into an executive session at 4:43P M.

ADJOURNMENT

Minutes approved this _____ day of _____, 2023

Chairman



STAFF REPORT TO THE PLANNING & ZONING COMMISSION
DEPARTMENT OF PLANNING AND NEIGHBORHOOD SERVICES
COMMUNITY PLANNING DIVISION
CASE TYPE – CONDITIONAL USE PERMIT
CASE PLANNER: ERIKA PETERSON

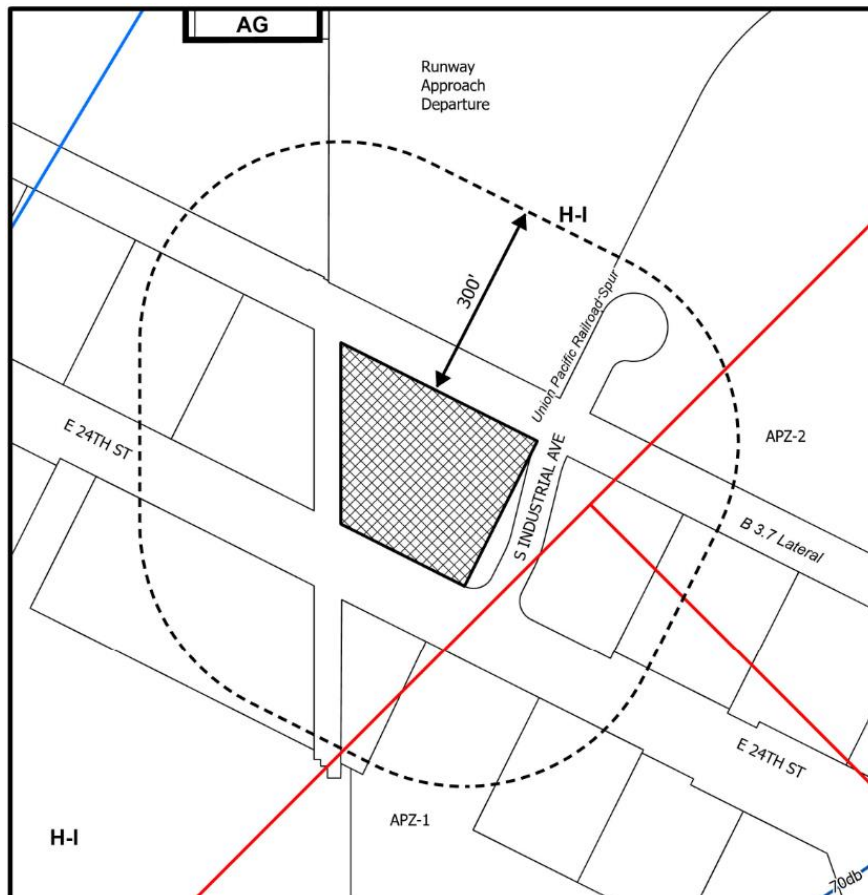
Hearing Date: May 8, 2023

Case Number: CUP-41136-2023

Project Description/Location: This is a request by Leonard Sanchez, on behalf of Leonard Sanchez and Glenda Curtis Living Trust, for a Conditional Use Permit to allow a real estate office and nursery in the Heavy Industrial/Airport Overlay (H-I/AD) District. The property is located at 2730 E. 24th Street, Yuma, Arizona.

	Existing Zoning	Use(s) on-site	General Plan Designation
Site	Heavy Industrial (H-I) District	Undeveloped	Industrial
North	Heavy Industrial (H-I) District	GH Dairy	Industrial
South	Heavy Industrial (H-I) District	Undeveloped	Industrial
East	Heavy Industrial (H-I) District	Undeveloped	Industrial
West	Heavy Industrial (H-I) District	Insurance Office	Industrial

Location Map:



Prior site actions: Annexation: Ord. 1999 (1981); Rezone: Ord. 2016, Rezone from Agriculture to Heavy Industrial; Subdivision: Gateway Plaza Industrial Park Unit 1 (6/15/1988)

Staff Recommendation: Staff recommends **APPROVAL** of the Conditional Use Permit to allow a real estate office and nursery in the Heavy Industrial/Airport Overlay (H-I/AD) District, subject to the conditions outlined in Attachment A.

Suggested Motion: Move to **APPROVE** Conditional Use Permit CUP-41136-2023 as presented, subject to the staff report, information provided during this hearing, and the conditions in Attachment A.

Effect of the Approval: By approving the Conditional Use Permit, the Planning and Zoning Commission is authorizing the request by Leonard Sanchez, on behalf of Leonard Sanchez and Glenda Curtis Living Trust for a real estate office and nursery for the property located at 2730 E. 24th Street, subject to the conditions outlined in Attachment A, and affirmatively finds that the seven Conditional Use Permit criteria set forth in Section 154-03.05(G)(2) of the City of Yuma Zoning Code have been met.

Staff Analysis: The subject property was annexed into the City of Yuma in 1981 and subsequently rezoned to the Heavy Industrial (H-I) District. In 1988, the Gateway Plaza Industrial Park Unit 1 subdivided a large area into 59 industrial lots. The subject property is currently undeveloped and it is approximately 1.48 acres in size and is located at 2730 E. 24th Street.

The applicant is requesting a Conditional Use Permit to allow a real estate office and nursery in the Heavy Industrial (H-I) District. Per the applicant, "Shadle & Sanchez Realty Investments will set up its office and operate its day to day business of Real Estate sales and property management. Nursery will be a full service nursery and landscape company. It will be selling nursery stock and supplies out of this location to walk in customers and whole sale to Landscapers and Developers."

The applicant is proposing to develop the site with a 5,600 square foot building for the real estate office and the nursery. The building will be equally split between the two uses and feature two 880 square foot offices, two attached 1,927 square foot storage areas, and a 1,600 square foot shade structure in the rear. The parking requirement is one space for each 300 square feet of office space, and one space for each 1,500 square feet of storage/warehousing areas.

Numerous properties along this section of the 24th Street corridor have applied for, and been granted, Conditional Use Permits to allow offices and commercial establishments. With the exception of the larger parcels, very few industrial uses exist on properties that are directly adjacent to this property and along 24th Street.

The Heavy Industrial (H-I) District requires that any building, outdoor area, and/or parking be setback 20 feet from any public or private street right-of-way line. Proper screening for activities not within an enclosed building are required to be enclosed with a six-foot high security fence. In addition, under the development standards of the Heavy Industrial District for this property, access ways, parking, and loading areas are required to be paved and striped. Furthermore, landscaping, lighting, and

measures to reduce noise level reduction are required to be incorporated into the design and construction for the proposed development.

1. What are the impacts of the proposed conditional use on neighboring properties and what conditions are being proposed to resolve those impacts?

SPECIFIC IMPACT AREA		ISSUE	CONDITION #
A.	Traffic	None	
B.	Parking	None	
C.	Lighting	None	
D.	Hours of Operation	None	
E.	Indoor/Outdoor Activities	None	
F.	Noise	None	
G.	Air Quality	None	
H.	Hazardous Materials	None	
I.	Crime Prevention (CPTED)	Adequate landscaping and lighting will need to be installed.	1
J.	Other	None	

2. Does the site plan comply with the requirements of the zoning code?

Yes.

3. Does the proposed use and site plan comply with Transportation Element requirements?

FACILITY PLANS						
Transportation Master Plan	Planned	Existing	Gateway	Scenic	Hazard	Truck
24 th Street- Minor Arterial	50 FT H/W	50 FT H/W				X
Bicycle Facilities Master Plan	Proposed bike lane on 24 th Street between Pacific Avenue and Avenue 3E					
YCAT Transit System	24 th Street at Avenue 3E: Orange Route 2					
Issues:	None					

Yes.

4. Does the proposed conditional use conform to all prior City Council actions for this site?

Yes.

5. Can the P&Z Commission answer the following questions affirmatively?

- (1) Is the Planning and Zoning Commission, or the City Council, authorized under the zoning code to grant the conditional use permit described in the application?

Yes. The Planning and Zoning Commission has the authority to review and approve this request per Section 154.09.03 (E), which requires a Conditional Use Permit for any use allowed in the General Commercial (B-2) District.

- (2) Will the establishment, maintenance, and/or operation of the requested conditional use, under the circumstances of the particular case, not be detrimental to the health, safety; peace, morals, comfort, or general welfare of persons residing, or working, in the vicinity or such proposed use, or be detrimental, or injurious, to the value of property in the vicinity, or to the general welfare of the city?

Yes. The proposed use would not be detrimental to the health, safety, peace, morals, comfort, or general welfare of persons residing, or working, in the vicinity.

(3) Are the provisions for ingress, egress, and traffic circulation, and adjacent public streets adequate to meet the needs of the requested conditional use?

Yes. The proposed ingress, egress, and traffic circulation meet the needs of the requested conditional use.

(4) Are the provisions for building(s) and parking facility setbacks adequate to provide a transition from, and protection to, existing and contemplated residential development?

Yes. The proposed building and parking are adequate, providing a transition from, and protection, between existing and contemplated development in the area.

(5) Are the height and bulk of the proposed buildings, and structures, compatible with the general character of development in the vicinity of the requested conditional use?

Yes.

(6) Have provisions been made to attenuate noise levels and provide for adequate site, and security lighting?

Yes. The design and construction of the proposed building will need to be constructed utilizing measures to achieve and outdoor to indoor noise reduction and provide adequate site and security lighting.

(7) Has the site plan for the proposed conditional use, including, but not limited to landscaping, fencing, and screen walls and/or planting, CPTED strategies (Crime Prevention Through Environmental Design), and anti-graffiti strategies been adequately provided to achieve compatibility with adjoining areas?

Yes.

Public Comments Received: None Received

Agency Comments: See Attachment E.

Neighborhood Meeting Comments: Meeting not required.

Discussions with Applicant/Agent: None

Proposed conditions delivered to applicant on: 4/18/2023

Final staff report delivered to applicant on: 4/27/2023

- | | |
|-------------------------------------|--|
| <input type="checkbox"/> | Applicant agreed with all of the conditions of approval on: |
| <input type="checkbox"/> | Applicant did not agree with the following conditions of approval: (list #'s) |
| <input checked="" type="checkbox"/> | If the Planner is unable to make contact with the applicant – Conditions of Approval were e-mailed to the agent on 4/26/2023 and a response has not been received. |

ATTACHMENTS:

A	B	C	D	E	F	G	H
Conditions of Approval	Site Plan	Site Photos	Agency Notifications	Agency Comments	Neighbor Notification List	Neighbor Postcard	Aerial Photo

Prepared By: *Erika Peterson*

Date: 4/25/2023

Erika Peterson
Associate Planner

Erika.Peterson@YumaAZ.Gov (928)373-5000, x3071

Approved By: *Jennifer Albers*

Date: 4/21/23

Jennifer Albers,
Assistant Director, Planning and Neighborhood Services

ATTACHMENT A
CONDITIONS OF APPROVAL

The following conditions of approval are roughly proportionate to the impacts associated with the conditional use and expected development on the property.

Department of Planning and Neighborhood Services Comments: Alyssa Linville, Assistant Director (928) 373-5000, x 3037:

1. The conditions listed below are in addition to City codes, rules, fees and regulations that are applicable to this action.
2. The Owner's signature on the application for this land use action shall constitute a waiver of any claims for diminution in value pursuant to A.R.S. § 12-1134.

Development Engineering: Andrew McGarvie, Engineering Manager, (928)373-5000, ext. 3044

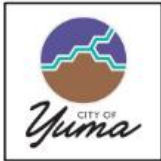
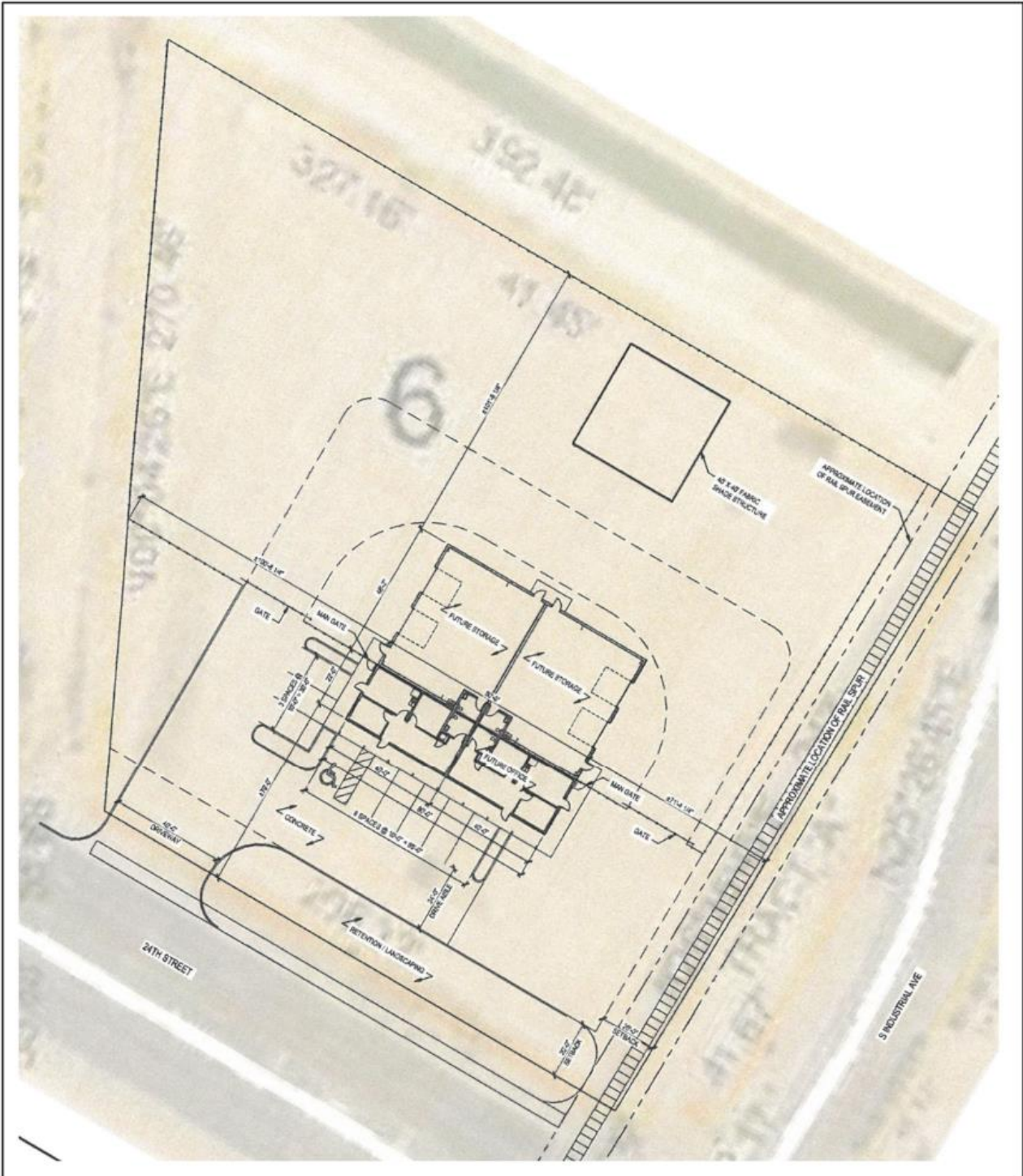
3. The Owner/Developer shall design and construct a 5 foot wide sidewalk (as called out in the Pre-development notes) in conformance with City construction standard 3-135 along the 24th Street frontage. No sidewalk will be required within the 30 foot wide railroad easement located on the eastside of the property where it crosses 24th St. However the sidewalk will need to decline to existing ground grade at the edge of the railroad crossing/easement and needs to utilize a straight ramp with a detectible Warning Mat, standard 3-155, in conformance with American with Disabilities Act (ADA) grades.

Community Planning: Erika Peterson, Associate Planner, (928) 373-5000, ext. 3071 number)

4. Any substantial modification to the overall site design as represented on the site plan will require a public hearing and be subject to the approval of the Planning and Zoning Commission. A substantial modification to the site plan would include, but not necessarily be limited to, the relocation of vehicular access, the modification of storm water retention or the relocation of a building or structure.
5. The conditions listed above shall be completed within one (1) year of the effective date of the approval of the Conditional Use Permit or prior to the issuance of any Building Permit, Certificate of Occupancy or City of Yuma Business License for this property. In the event that the conditions are not completed within this time frame, the Conditional Use Permit shall be null and void.
6. In any case where a Conditional Use Permit has not been used within one year after the granting thereof, it shall be null and void.
7. Prior to the expiration date of the Conditional Use Permit, the applicant has the option to file for a one-year time extension.

Any questions or comments regarding the Conditions of Approval as stated above should be directed to the staff member who provided the comment. Name and phone numbers are provided.

ATTACHMENT B
SITE PLAN



Prepared by:
DG
Date:
3/22/2023

CUP-041136-2023
Site Plan

Plan/Case:
41136



ATTACHMENT C
SITE PHOTOS



ATTACHMENT D AGENCY NOTIFICATIONS

- Legal Ad Published: The Sun 04/14/2023
- 300' Vicinity Mailing: 03/20/2023
- 34 Commenting/Reviewing Agencies noticed: 03/20/2023
- Site Posted on: 05/01/2023
- Neighborhood Meeting: N/A
- Hearing Date: 05/08/2023
- Comments due: 04/03/2023

External List (Comments)	Response Received	Date Received	"No Comment"	Written Comments	Comments Attached
Yuma County Airport Authority	YES	3/28/2023		X	
Yuma County Engineering	NR				
Yuma County Public Works	NR				
Yuma County Water Users' Assoc.	YES	3/27/2023	X		
Yuma County Planning & Zoning	YES	3/24/2023	X		
Yuma County Assessor	NR				
Arizona Public Service	NR				
Time Warner Cable	NR				
Southwest Gas	NR				
Qwest Communications	NR				
Bureau of Land Management	NR				
YUHS District #70	NR				
Yuma Elem. School District #1	NR				
Crane School District #13	NR				
A.D.O.T.	NR				
Yuma Irrigation District	NR				
Arizona Game and Fish	YES	4/7/2023		X	
USDA – NRCS	NR				
United States Postal Service	NR				
Yuma Metropolitan Planning Org.	NR				
El Paso Natural Gas Co.	NR				
Western Area Power Administration	YES	3/27/2023	X		
YPG- US Army	YES	3/27/2023	X		
Ft. Yuma Quechan Tribe	YES	3/29/2023	X		
City of Yuma Internal List (Conditions)	Response Received	Date Received	"No Conditions"	Written Conditions	Comments Attached
Police	NR				
Parks & Recreation	NR				
Development Engineer	NR				
Fire	YES	3/24/2023	X		
Building Safety	NR				
City Engineer	YES	4/13/2023		X	
Traffic Engineer	NR				
MCAS / C P & L Office	YES	3/28/2023		X	
Utilities	NR				
Public Works	NR				
Streets	NR				

ATTACHMENT E
AGENCY COMMENTS

☒ COMMENT ☐ NO COMMENT

Enter comments below:

The subject property is within the 70 dB noise contour. measures to achieve noise level reduction of 25 should be incorporated into the design and construction of portions of buildings where the public is received, office areas, noise sensitive areas or where the normal noise level is low. Please file an Avigation Easement with MCAS Yuma recognizing noise, interference and vibrations due to aviation activity at Yuma International Airport/MCAS Yuma.

DATE: 3/28/23 NAME: Gen Grosse TITLE: Property/Community Relations
AGENCY: Yuma County Airport Authority, Inc.
PHONE: 928-726-5882
RETURN TO: Erika Peterson
Erika.Peterson@YumaAZ.gov

☒ COMMENT ☐ NO COMMENT

Enter comments below:

The Department would like to encourage private developers and the City of Yuma to use the Arizona Online Environmental Review Tool administered by the Department's Heritage Data Management System (HDMS) as part of their standard operating procedure for review of new construction and development. This tool is a useful resource that provides baseline information on special status species such as Arizona's Species of Greatest Conservation Need and Species of Economic and Recreational Importance. The Department entered this project as an example (please see the attached HDMS report).

The report is on file.

DATE: 4/7/23 NAME: Teigan Williams TITLE: Habitat Specialist
AGENCY: Arizona Game and Fish Department
PHONE: (928) 341-4069
RETURN TO: Erika Peterson
Erika.Peterson@YumaAZ.gov

☒ Condition(s) ☐ No Condition(s) ☐ Comment

Enter conditions here: The subject parcel (APN 696-04-006) is located within the 70-74dB noise contour and adjacent (outside) to Runway 21R Accident Potential Zone 1 (APZ-1). The following conditions apply: Measures to achieve noise level reduction (NLR) of 25dB must be incorporated into the design and construction of portions where the public is received, office areas, noise sensitive areas or where the normal noise level is low. It is requested an Avigation Disclosure statement be recorded to recognize the noise, interference, or vibrations due to aviation operations that may occur at the nearby Marine Corps Air Station Yuma, Yuma International Airport Aviation Complex, and its associated flight paths. Please send a copy of the recorded easement to MCASYUMA_CPLO@usmc.mil. The proposed use is compatible with the recommended conditions. Thank you for the opportunity to review and comment.

DATE: 28 Mar 2023 NAME: Antonio Martinez TITLE: Community Liaison Specialist
CITY DEPT: MCAS Yuma
PHONE: 928-269-2103
RETURN TO: Erika Peterson
Erika.Peterson@YumaAZ.gov

ATTACHMENT F
NEIGHBOR NOTIFICATION LIST

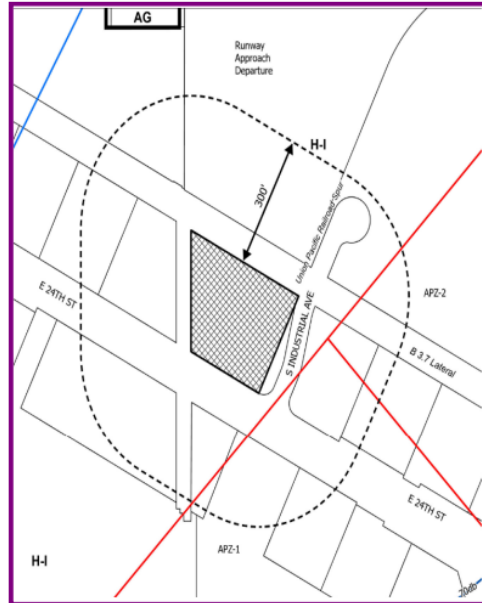
Property Owner	Mailing Address	City	State	Zip Code
VAN'S RENTALS LLC	2680 E 24TH ST	YUMA	AZ	85365
YUMA TITLE & TRUST CO 84-121	1706 S 4TH AVE	YUMA	AZ	85364
VAN VOORST DAN & KYRI	2660 E 24TH ST	YUMA	AZ	85365
G H DAIRY	14651 S GROVE AVE	ONTARIO	CA	92762
84 PROPERTIES DE LLC	1019 ROUTE 519	EIGHTY FOUR	PA	15330
DAYTON STREET CA LLC	PO BOX 7488	SPRECKELS	CA	93962
G H DAIRY CA GEN PART	14651 S GROVE AVE	ONTARIO	CA	91762
DATEPAC AZ LLC	2575 E 23RD LN	YUMA	AZ	85365
SANCHEZ LEONARD R & GLENDA G CURTIS LIVING TRUST 9-28- 2021	2601 WALKING HORSE LN	YUMA	AZ	85365
RDS FAMILY PROPERTIES LLC	5540 W 8TH ST	YUMA	AZ	85364
FLORES ADAN & IRMA	1057 S PAGENT AVE	YUMA	AZ	85364
FLORES ADAN & IRMA	1057 S PAGENT AVE	YUMA	AZ	85364

**ATTACHMENT G
NEIGHBOR MAILING**

This is a request by Leonard Sanchez, on behalf of Leonard Sanchez and Glenda Curtis Living Trust, for a Conditional Use Permit to allow a real estate office and nursery in the Heavy Industrial/Airport Overlay (H-I/AD) District. The property is located at 2730 E. 24th Street, Yuma, Arizona.

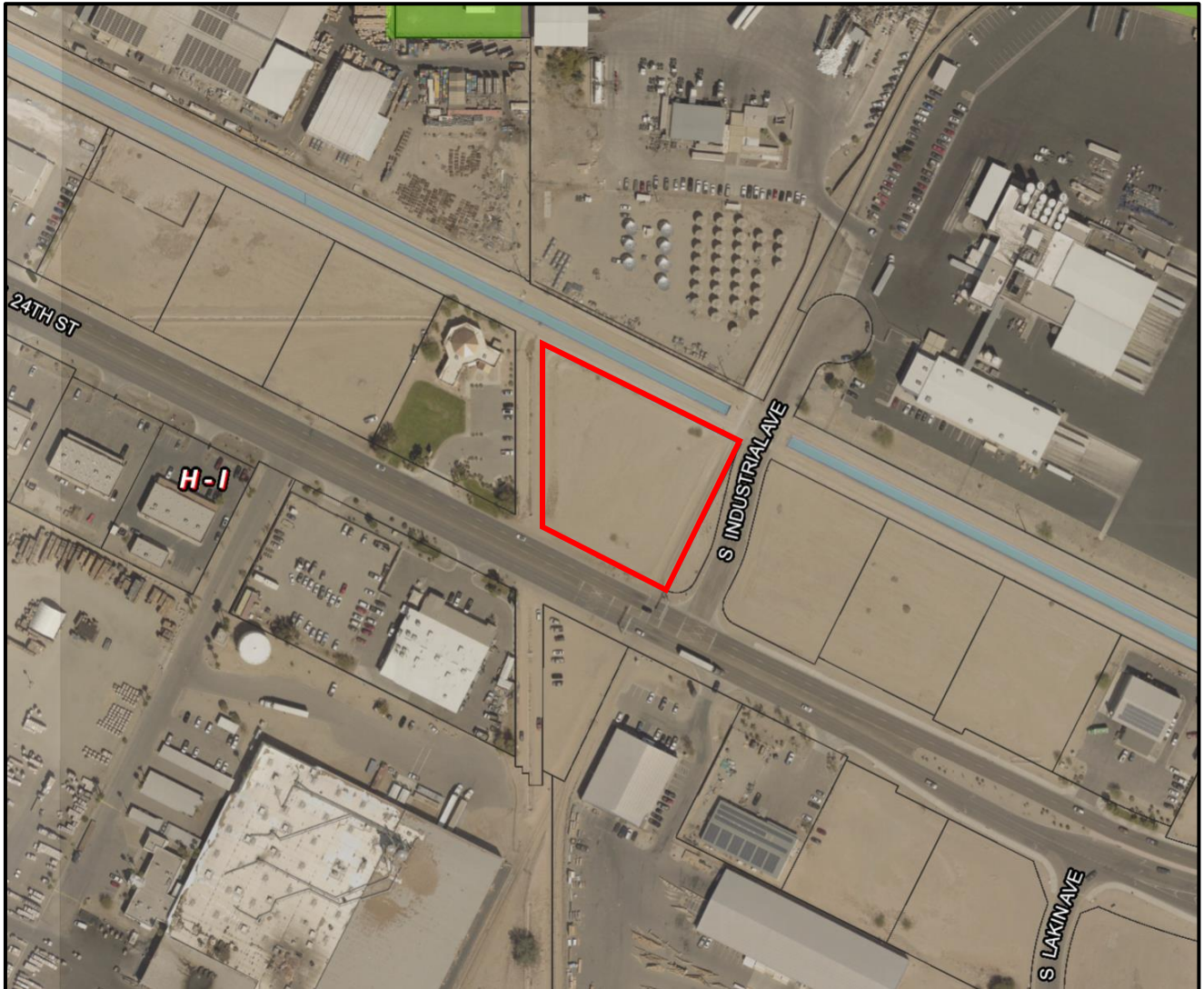
**MEETING DATE,
TIME & LOCATION
FOR CASE #
CUP-41136-2023**

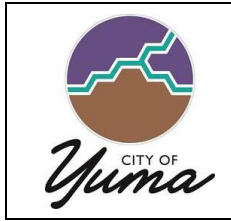
PUBLIC HEARING
05/08/2023 @ 4:30pm
City Hall Council Chambers
One City Plaza, Yuma, AZ



Because you are a neighbor within 300' of the southeast corner of 2730 E. 24th Street, you are invited to attend this meeting to voice your comments. If you have questions or wish to submit written comments, please contact Erika Peterson by phone at (928) 373-5000 ext. 3071 or by email at Erika.Peterson@YumaAz.gov

ATTACHMENT H
AERIAL PHOTO





STAFF REPORT TO THE PLANNING & ZONING COMMISSION
DEPARTMENT OF PLANNING AND NEIGHBORHOOD SERVICES
COMMUNITY PLANNING DIVISION
CASE TYPE – CONDITIONAL USE PERMIT
CASE PLANNER: AMELIA DOMBY

Hearing Date: May 8, 2023

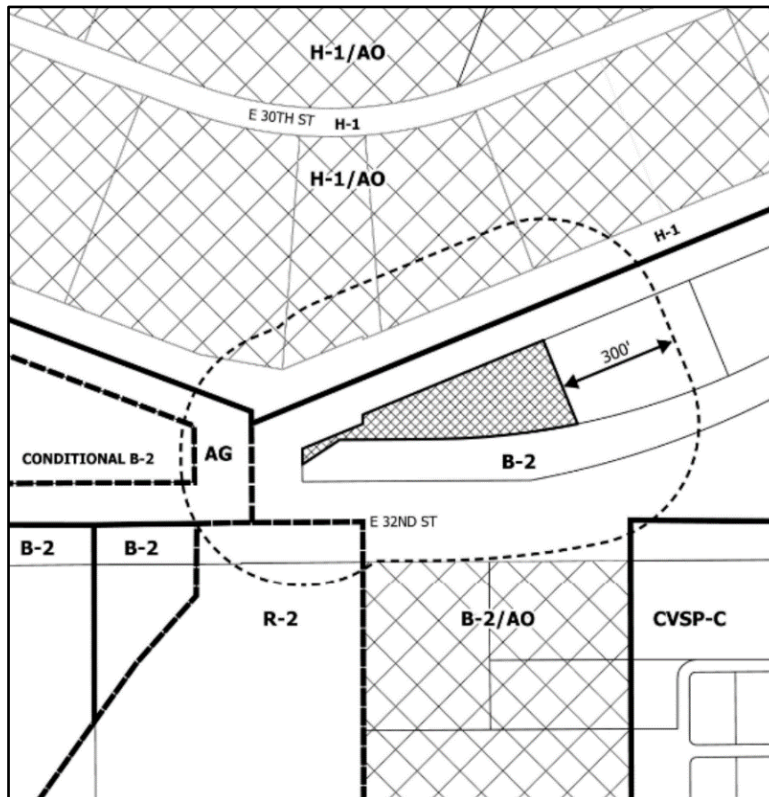
Case Number: CUP-41169-2023

Project Description/Location:

This is a request by Dahl, Robins & Associates Inc. on behalf of Troy and Claire Eckard, for a Conditional Use Permit to allow a drive-through Starbucks, in the General Commercial (B-2) District. This proposal includes an exception request to reduce the 32nd Street setback from 15' to 0' for the entire project frontage. The property is located near the northwest corner of Avenue 8E and 32nd Street, Yuma, Arizona.

	Existing Zoning	Use(s) on-site	General Plan Designation
Site	General Commercial (B-2) District	Undeveloped	Commercial
North	Heavy Industrial (H-1) District	Undeveloped	Industrial
South	General Commercial (B-2) District	Undeveloped	Commercial
East	General Commercial (B-2) District	Undeveloped	Commercial
West	Conditional General Commercial (B-2) District	Undeveloped	Commercial

Location Map:



Prior site actions: Annexation: Ord. O99-29 (July 3, 1999); Rezone: Ord. O2001-11 (February 7, 2001); Subdivision: Mid Pointe Plaza Lot Tie/Lot Split (In Process)

Staff Recommendation: Staff recommends **APPROVAL** of the Conditional Use Permit to allow a drive-through Starbucks, in the General Commercial (B-2) District, subject to the conditions outlined in Attachment A.

Suggested Motion: Move to **APPROVE** Conditional Use Permit CUP-41169-2023 as presented, subject to the staff report, information provided during this hearing, and the conditions in Attachment A.

Effect of the Approval: By approving the Conditional Use Permit, the Planning and Zoning Commission is authorizing the request by Dahl, Robins & Associates Inc. on behalf of Troy and Claire Eckard, for a Conditional Use Permit to allow a drive-through Starbucks for the property located near the northwest corner of Avenue 8E and 32nd Street, subject to the conditions outlined in Attachment A, and affirmatively finds that the seven Conditional Use Permit criteria set forth in Section 154-03.05(G)(2) of the City of Yuma Zoning Code have been met.

Staff Analysis: The subject property is located near the northwest corner of Avenue 8E and 32nd Street. The property is undeveloped and is currently in the Lot Split process (Attachment C). Upon finalization of the Lot Split, the subject property, future Lot B, will be approximately 1.7 acres in size.

The applicant is proposing a new Starbucks Drive-through. The new Starbucks will be approximately 2,160 square feet with a 180 square foot patio. Within the General Commercial (B-2) District, a Conditional Use Permit is required for any drive-through facility.

Based upon the proposed use, the parking requirement is as follows: one parking space for each 50 square feet of gross floor area where the public is served. In addition, drive-through facilities that serve fast food and/or beverages require seven temporary spaces in the moving lane. According to the applicant, the drive-through lane will provide safe and convenient access to the restaurant and accommodate a minimum of twelve queued vehicles. In addition, the site plan (Attachment B) identifies 23 parking spaces.

Upon utilization of the site, all development standards will need to be met, including paved parking and access, lighting, and parking lot landscaping.

The applicant states this location will provide consumers with a new Starbucks restaurant, for the local residents and traveling public. Site access to and from the public street system has been designed with internal roadways that will reduce the chance of vehicles queuing into the public roadway. Internal access will be provided with connections to the access drive which has direct access to 32nd Street and secondary access to Avenue 8E.

An exception request to reduce the minimum setback requirement from 15' to 0' was included with this Conditional Use Permit application. However, upon further review of the site plan, it was determined that the setback reduction request is not necessary.

1. What are the impacts of the proposed conditional use on neighboring properties and what conditions are being proposed to resolve those impacts?

SPECIFIC IMPACT AREA		ISSUE	CONDITION #
A.	Traffic	Vehicle headlight glare.	#4
B.	Parking	None	
C.	Lighting	None	
D.	Hours of Operation	None	
E.	Indoor/Outdoor Activities	None	
F.	Noise	None	
G.	Air Quality	None	
H.	Hazardous Materials	None	
I.	Crime Prevention (CPTED)	None	
J.	Other	None	

2. Does the site plan comply with the requirements of the zoning code?

Yes.

3. Does the proposed use and site plan comply with Transportation Element requirements?

FACILITY PLANS						
Transportation Master Plan	Planned	Existing	Gateway	Scenic	Hazard	Truck
32 ND Street – Principal Arterial	100 FT H/W ROW	100' FT H/W ROW				X
Bicycle Facilities Master Plan	32 nd Street – Existing Bike Path					
YCAT Transit System	Gold Route 8					
Issues:	None					

4. Does the proposed conditional use conform to all prior City Council actions for this site?

Yes.

5. Can the P&Z Commission answer the following questions affirmatively?

(1) Is the Planning and Zoning Commission, or the City Council, authorized under the zoning code to grant the conditional use permit described in the application?

Yes. The Planning and Zoning Commission has the authority to review and approve this request per Section 154-08.04(E), which requires a Conditional Use Permit for a drive-through facility.

(2) Will the establishment, maintenance, and/or operation of the requested conditional use, under the circumstances of the particular case, not be detrimental to the health, safety; peace, morals, comfort, or general welfare of persons residing, or working, in the vicinity or such proposed use, or be detrimental, or injurious, to the value of property in the vicinity, or to the general welfare of the city?

Yes. According to the applicant, the establishment, maintenance and/or operation of the requested Conditional Use permit will not be detrimental. This development is located within a major commercial node of the City of Yuma, at the most prominent intersection, where roadways and the traffic signal have been improved to handle traffic effectively and efficiently.

(3) Are the provisions for ingress, egress, and traffic circulation, and adjacent public streets adequate to meet the needs of the requested conditional use?

Yes. This location, as described by the applicant, will provide convenient access for this business. The site was designed to provide safe and convenient access to and from the public roadway system. Vehicles entering the site will have adequate space to enter, drive through and circulate through the site. In addition, the proposed internal roadway system of the development will provide safe and convenient access to Avenue 8E and 32nd Street.

(4) Are the provisions for building(s) and parking facility setbacks adequate to provide a transition from, and protection to, existing and contemplated residential development?

Yes. The building and parking setbacks are in conformance with the City guidelines and have been designed to provide protection to adjoining uses and create site visibility at the intersections.

(5) Are the height and bulk of the proposed buildings, and structures, compatible with the general character of development in the vicinity of the requested conditional use?

Yes. The height and elevations of the proposed building are compatible with the general character of the surrounding commercial development, and with the proposed future development to the east of the project. In addition, the applicant states that the buildings will provide an aesthetic appearance to the site.

(6) Have provisions been made to attenuate noise levels and provide for adequate site, and security lighting?

Yes. This project, as described by the applicant, will be designed to attenuate noise levels and provide site and security lighting. Menu boards, order boards and the trash enclosure have been located adjacent to the roadway. A new 3' high CMU screen wall will be constructed along the Drive Through Lane.

(7) Has the site plan for the proposed conditional use, including, but not limited to landscaping, fencing, and screen walls and/or planting, CPTED strategies (Crime Prevention Through Environmental Design), and anti-graffiti strategies been adequately provided to achieve compatibility with adjoining areas?

Yes. The project will be designed to include appropriate landscaping and screen walls, especially with regards to shielding oncoming traffic from the headlights of vehicles within the drive through lane.

Public Comments Received: None Received.

Agency Comments: See Attachment.

Neighborhood Meeting Comments: No Meeting Required.

Discussions with Applicant/Agent: 4/20/23, 4/26/23, 4/27/23

Proposed conditions delivered to applicant on: 4/20/23

Final staff report delivered to applicant on: 4/27/23

☒ Applicant agreed with all of the conditions of approval on: 4/26/23

ATTACHMENTS:

A	B	C	D	E	F
Conditions of Approval	Site Plan	Proposed Lot Split/Lot Split	Elevations	Floor Plan	Site Photos
G	H	I	J	K	
Agency Notifications	Agency Comments	Neighbor Notification List	Neighbor Postcard	Aerial Photo	

Prepared By: *Amelia Domby*
Amelia Domby
Senior Planner
Amelia.Domby@yumaaz.gov

Date: 04/27/23
(928) 373-5000, x3034

Approved By: *Jennifer L. Albers*
Jennifer Albers,
Assistant Director, Planning and Neighborhood Services

Date: 4/27/23

ATTACHMENT A
CONDITIONS OF APPROVAL

The following conditions of approval are roughly proportionate to the impacts associated with the conditional use and expected development on the property.

**Department of Planning and Neighborhood Services Comments: Alyssa Linville,
Assistant Director (928) 373-5000, x 3037:**

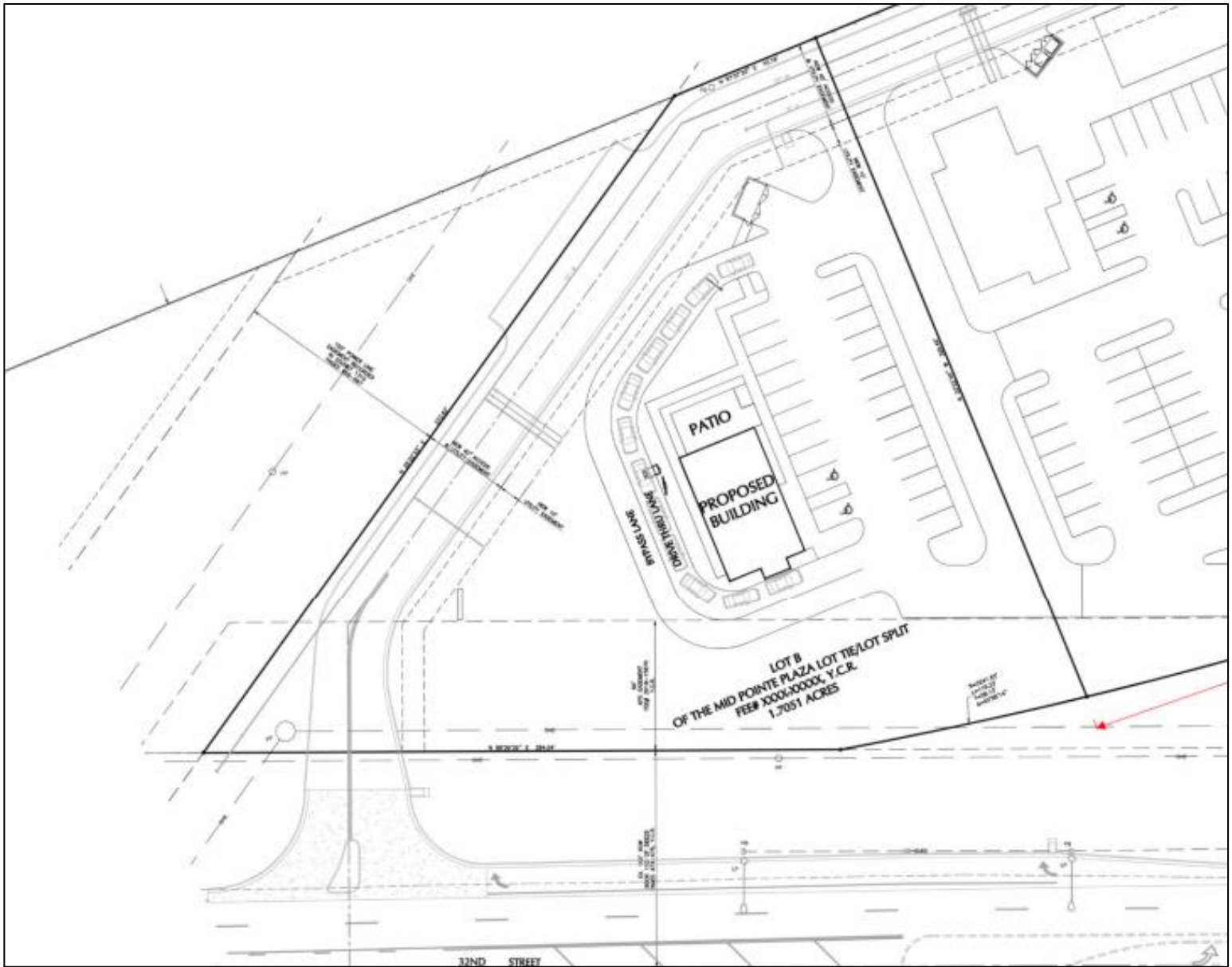
1. The conditions listed below are in addition to City codes, rules, fees and regulations that are applicable to this action.
2. The Owner's signature on the application for this land use action shall constitute a waiver of any claims for diminution in value pursuant to A.R.S. § 12-1134.

Community Planning: Amelia Domby, Senior Planner, (928) 373-5000 ext. 3034

3. The Owner shall provide a minimum three foot (3') high solid masonry screen wall with poured concrete footings under a mortared permanent block wall; or screening to be accomplished with a continuous screen row of planted shrubs at full growth, planted close together; installed to effectively screen drive-thru customer's automobile headlights from traffic utilizing 32nd Street, in place prior to the date of business opening. The wall or planting to be installed exactly as shown on the approved construction plans and be completed prior to the Certificate of Occupancy.
4. Recordation of the Mid Pointe Plaza Lot Tie/Lot Split is required.
5. Any substantial modification to the overall site design as represented on the site plan will require a public hearing and be subject to the approval of the Planning and Zoning Commission. A substantial modification to the site plan would include, but not necessarily be limited to, the relocation of vehicular access, the modification of storm water retention or the relocation of a building or structure.
6. The conditions listed above shall be completed within one (1) year of the effective date of the approval of the Conditional Use Permit or prior to the issuance of any Certificate of Occupancy or City of Yuma Business License for this property. In the event that the conditions are not completed within this time frame, the Conditional Use Permit shall be null and void.
7. In any case where a Conditional Use Permit has not been used within one year after the granting thereof, it shall be null and void.
8. Prior to the expiration date of the Conditional Use Permit, the applicant has the option to file for a one-year time extension.

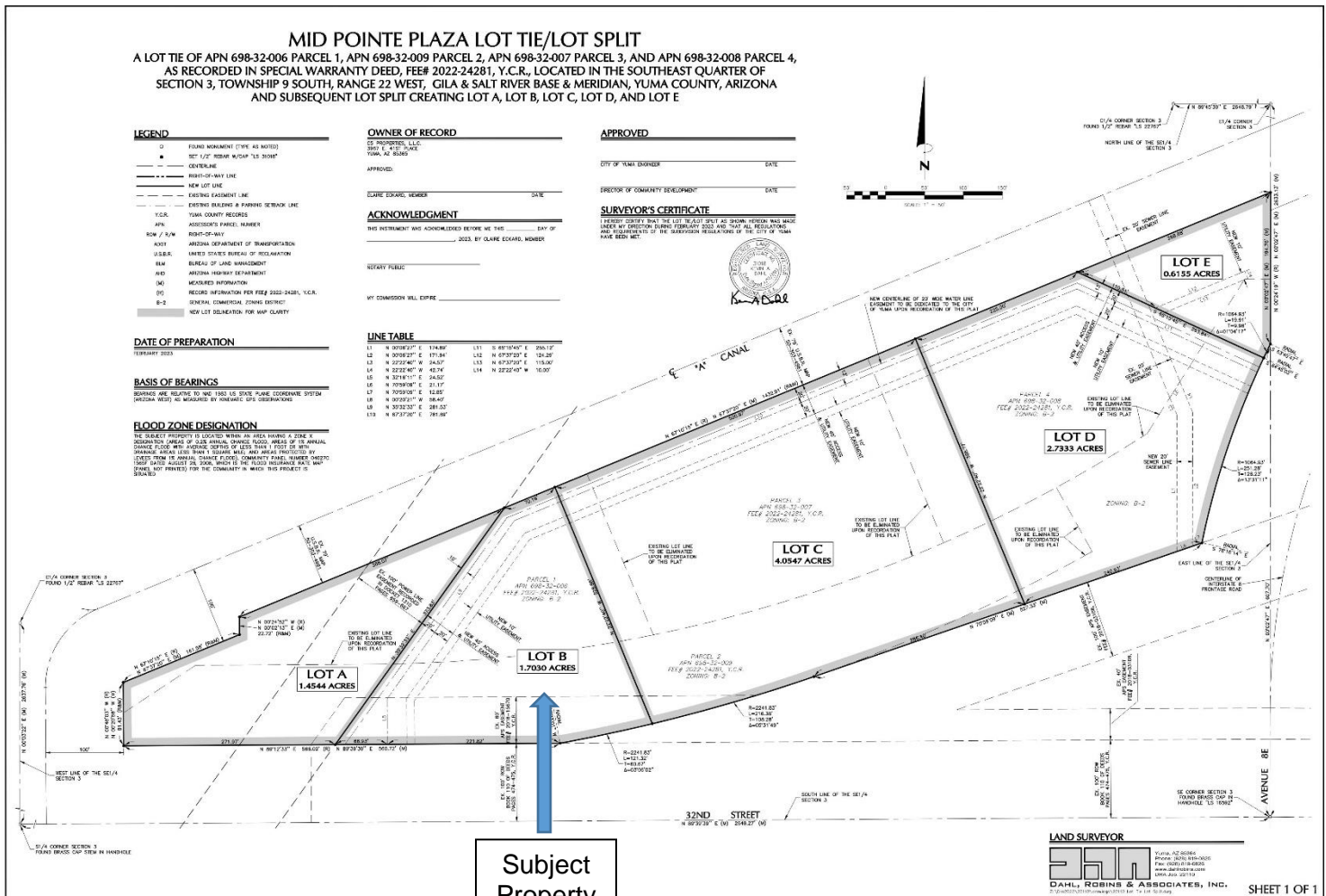
Any questions or comments regarding the Conditions of Approval as stated above should be directed to the staff member who provided the comment. Name and phone numbers are provided.

ATTACHMENT B
SITE PLAN



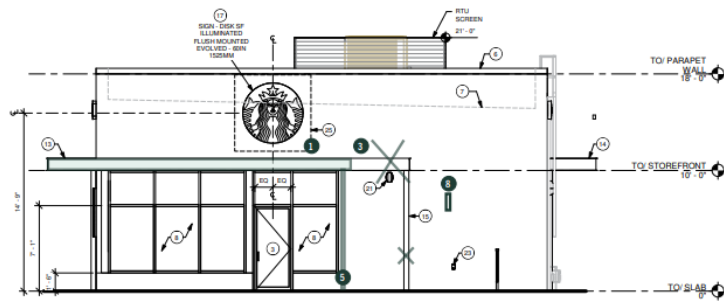
ATTACHMENT C

PROPOSED LOT TIE/LOT SPLIT

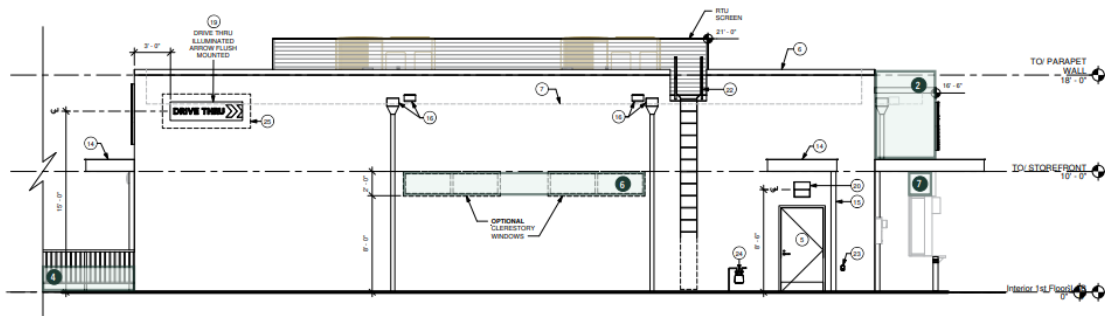


ATTACHMENT D

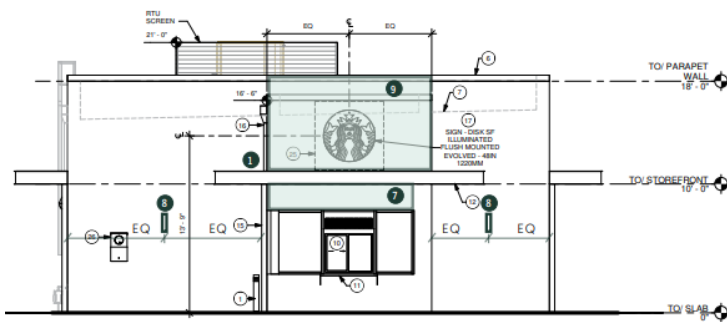
Elevations



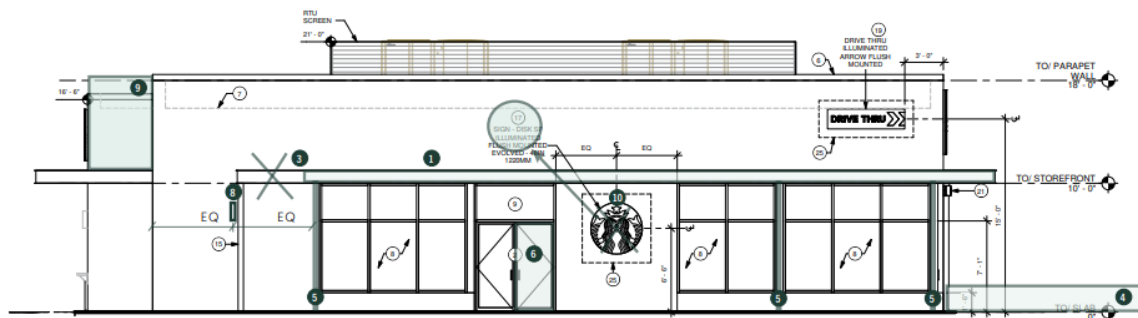
3 PATIO ELEVATION (EAST)
Scale: 1/4" = 1'-0"



2 DRIVE-THRU (NORTH)



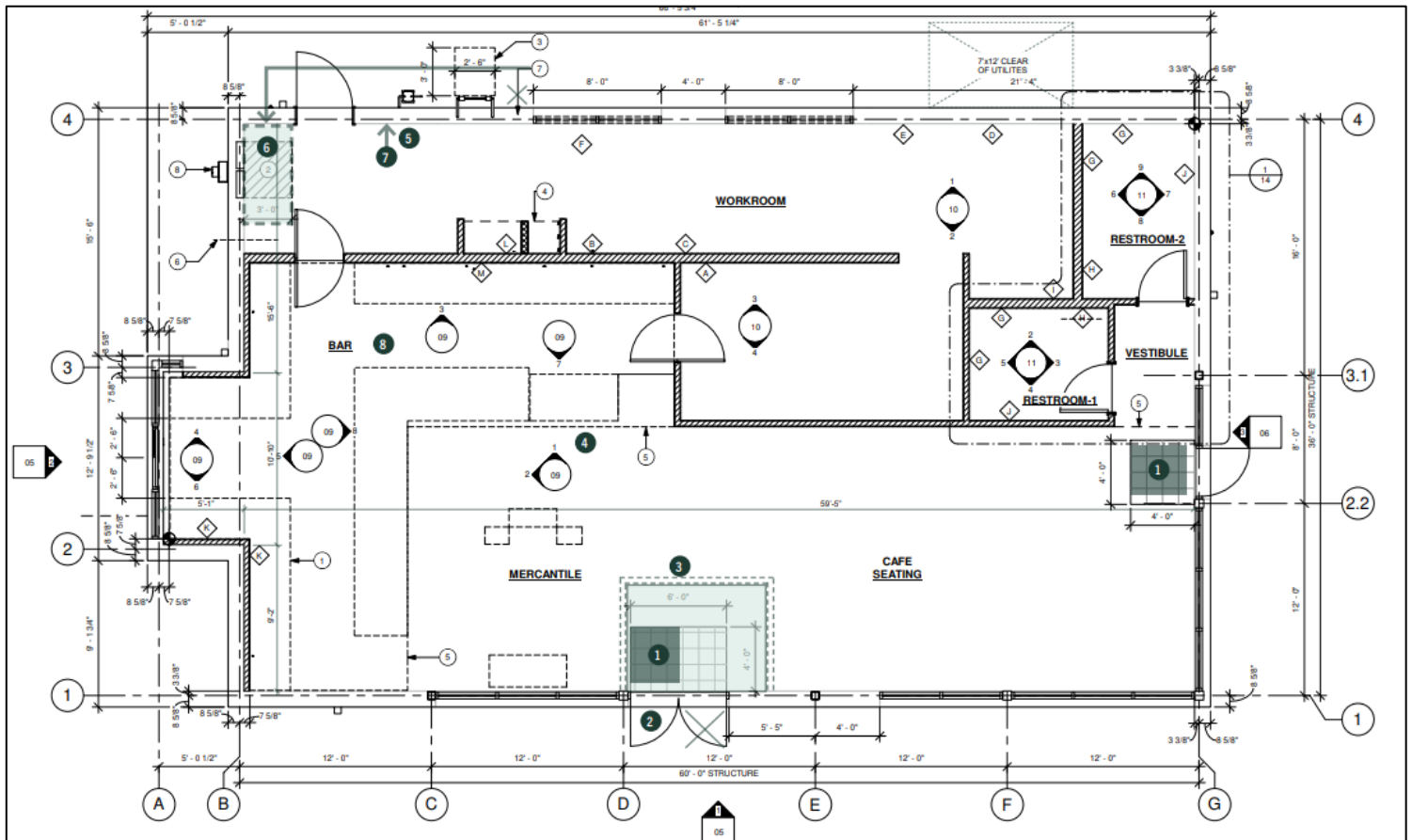
2 DT (WEST)
Scale: 1/4" = 1'-0"



1 MAIN ENTRY (SOUTH)

ATTACHMENT E

Floor Plan



ATTACHMENT F
SITE PHOTOS



ATTACHMENT G

AGENCY NOTIFICATIONS

- **Legal Ad Published: The Sun** (04/10/23)
- **300' Vicinity Mailing:** (03/20/23)
- **34 Commenting/Reviewing Agencies noticed:** (03/23/23)
- **Site Posted on:** (05/01/23)
- **Neighborhood Meeting:** (Not Required)
- **Hearing Date:** (05/08/23)
- **Comments due:** (04/03/23)

External List (Comments)	Response Received	Date Received	"No Comment"	Written Comments	Comments Attached
Yuma County Airport Authority	YES	3/24/23	X		
Yuma County Engineering	NR				
Yuma County Public Works	NR				
Yuma County Water Users' Assoc.	NR				
Yuma County Planning & Zoning	NR				
Yuma County Assessor	NR				
Arizona Public Service	NR				
Time Warner Cable	NR				
Southwest Gas	NR				
Qwest Communications	NR				
Bureau of Land Management	NR				
YUHS District #70	NR				
Yuma Elem. School District #1	NR				
Crane School District #13	NR				
A.D.O.T.	NR				
Yuma Irrigation District	NR				
Arizona Game and Fish	YES	4/7/23			X
USDA – NRCS	NR				
United States Postal Service	NR				
Yuma Metropolitan Planning Org.	NR				
El Paso Natural Gas Co.	NR				
Western Area Power Administration	YES	4/10/23			X
City of Yuma Internal List (Conditions)	Response Received	Date Received	"No Conditions"	Written Conditions	Comments Attached
Police	NR				
Parks & Recreation	NR				
Development Engineer	NR				
Fire	YES	3/27/23			X
Building Safety	NR				
City Engineer	NR				
Traffic Engineer	NR				
MCAS / C P & L Office	YES				
Utilities	NR				
Public Works	NR				
Streets	NR				

**ATTACHMENT H
AGENCY COMMENTS**

Enter conditions here: dead end fire department access roads that exceed 150' require an approved turn around

DATE: 3/27/23 NAME: Kayla Franklin TITLE: Fire Marshal
CITY DEPT: Fire
PHONE: 928-373-4865
RETURN TO: Amelia Griffin
Amelia.Griffin@YumaAZ.gov

The Department would like to encourage private developers and the City of Yuma to use the Arizona Online Environmental Review Tool administered by the Department's Heritage Data Management System (HDMS) as part of their standard operating procedure for review of new construction and development. This tool is a useful resource that provides baseline information on special status species such as Arizona's Species of Greatest Conservation Need and Species of Economic and Recreational Importance. The Department entered this project as an example (please see the attached HDMS report).

DATE: 4/7/23 NAME: Teigan Williams TITLE: Habitat Specialist
AGENCY: Arizona Game and Fish Department
PHONE: (928) 341-4069
RETURN TO: Amelia Griffin
Amelia.Griffin@YumaAZ.gov

HDMS report on file
with the City of Yuma

Good afternoon Amelia

Thank you for the additional information, WAPA requests that the developer reach out to WAPA prior to its final plans to determine if there will be any conflict with WAPA facilities.

As a side note some of the recent submittals have had different maps in its submittals, for example 41234-2023 location and drawings showed to different locations.

Let me know if you have any questions.

Sincerely

Leslee Beckett | Realty Technician

The Building People on contract to
Western Area Power Administration | Desert Southwest Region

☎ (O) 602.605.2846 | Beckett@wapa.gov



ATTACHMENT I
NEIGHBOR NOTIFICATION LIST

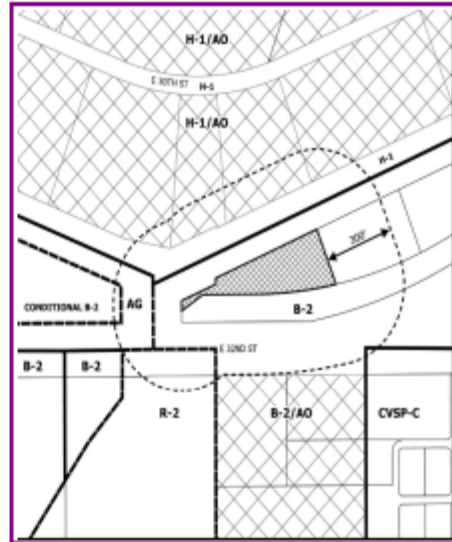
Property Owner	Mailing Address	City	State	Zip Code
INGOLD FAMILY INVESTMENTS CA LLC	5256 S MISSION RD STE 1210	BONSALL	CA	92003
ECKARD TROY & CLAIRE	3967 E 41ST PL	YUMA	AZ	85365
ABLAHAD INVESTMENTS LLC	1776 S 40TH DR	YUMA	AZ	85364
B & GS FAMILY LTD PTNR	900 S 8TH AVE	YUMA	AZ	85364
YUMA DEVELOPMENT ONE AZ LLC	PO BOX 1417	FORT GIBSON	OK	74434
SANTANA 142 RE HOLDINGS AZ LLC	340 PALLADIO PKWY STE 521	FOLSOM	CA	95630

**ATTACHMENT J
NEIGHBOR MAILING**

This is a request by Dahl, Robins & Associates Inc. on behalf of Troy and Claire Eckard, for a Conditional Use Permit to allow a drive-through Starbucks, in the General Commercial (B-2) District, for the property located near the northwest corner of Avenue 8E and 32nd Street, Yuma, Arizona.

**MEETING DATE,
TIME & LOCATION
FOR CASE #
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ATTACHMENT K
AERIAL PHOTO

